

- (a) **Definition and Purpose:** A Planned Development District is a zoning district which may be created anywhere in the city for the purpose of permitting property to be developed:
- (1) with one or more uses not otherwise permitted or conditional in the zoning district in which the property is located, subject to certain development regulations and one or more development site plans; or
  - (2) subject to development regulations not otherwise permitted in the zoning district in which the property is located.
- (b) **Types of Uses Allowed:** The ordinance creating a Planned Development District must describe the permitted uses to be allowed within the district. A Planned Development District may combine with the uses otherwise prohibited other uses which are permitted or conditional in the zoning district in which the property is located, provided, however, a Planned Development District may not include the uses defined in Section 11-I-14(a.).
- (c) **Procedures for Establishing a Planned Development District:** The following procedures shall govern the application, consideration, content, and creation of a Planned Development District:
- (1) **Application:** An owner and/or developer who desires to create a Planned Development District must file an application with the Planning Division for a zone change on forms approved by the Planning Division, which application must contain at least the following information:
    - (i) the name, address, and business phone number of the applicant;
    - (ii) if different than the applicant, the name, address, and business phone number of the record owner of the property according to the Deed Records of Kerr County, Texas;
    - (iii) if the applicant and/or owner are not individuals, the name, address, and business phone number of the person or people authorized to act on behalf of the applicant and/or owner in all matters relating to the application;
    - (iv) the full legal description of the property for which the application is made and, if available, the street address of the property. If the property is platted, the description need only include the complete lot and block description. If the property is not platted, a metes and bounds description certified by a registered public surveyor is required;
    - (v) if the applicant is not the owner of the property described in the application, a sworn statement from the owner or legal representative of the owner of the property that the applicant has been authorized by the owner to make the application for the zone change;
    - (vi) a detailed description of the proposed use(s) of the property;
    - (vii) the availability and location of off-street parking;

- (viii) the projected amount of additional traffic generated in and around the property, the types of vehicles which are anticipated will visit the property, the likely changes in traffic patterns of the area around the property resulting from the proposed use, and the possible impact such changes in traffic will have on properties within 500 feet of the subject property;
  - (ix) the proposed number of occupants, employees, and/or users of the property and the proposed hours of occupancy or use, including peak use periods with estimated census during such peak periods;
  - (x) if the use proposed will require deliveries of goods to the property, provide the proposed location of loading/unloading areas;
  - (i) a statement as to whether or not the proposed use requires any type of state or federal license or permit to operate, what type of license or permit is required, and the issuing agency of such license or permit, including, but not limited to, any license required for the productions, storage, use, or disposal of hazardous materials or hazardous wastes;
  - (ii) the use of the properties within five hundred feet (500') of the perimeter of the property described in the application;
  - (xiii) if the manner of development of all or part of the property is known at the time of application, one or more proposed site plans as described in Subsection (9), below;
  - (xiv) except for proposed one-family and two-family residential buildings, building elevation drawings for proposed buildings, any part of which are to be constructed within three hundred feet (300') of the property line of property not owned by the applicant; and
  - (xv) The non-refundable application fee established by the City Council by resolution for zone change applications.
- (1) **Complete Application Required:** No application for creation of a Planned Development District shall be deemed to be complete until all information and items set forth in Subsection (1), above, have been delivered to the Planning Division and the required application fee paid.
  - (2) **Preliminary Conference:** Prior to submitting an application for creation of a Planned Development District, an applicant or the applicant's authorized representative must meet with the Director of Planning or designated Planning Division staff to receive information regarding application procedures and requirements.
  - (3) **Report of the Planning Division:** Upon receipt of a completed application for creation of a Planned Development District, the Planning Division will review and prepare a report and recommendation regarding the application which shall be forwarded to the Commission for consideration, which report shall contain:

- (i) a review of the application in view of the criteria set forth in Subsection (9), below;
  - (ii) a summary of any public comment received;
  - (iii) proposed conditions and development regulations to be applied if the Planned Development District is to be created; and
  - (iv) the recommendation of the Planning Director regarding the application, or, if the Planning Director has no recommendation, a statement to that effect.
- (4) **Public Hearing before the Commission:** After notice has been published in the same manner as required of a zoning amendment, but in no case earlier than fifteen (15) days after receipt of the completed application, the Commission shall hold a public hearing on the application for creation of a Planned Development District. At the public hearing, the Commission shall review the application and receive from the applicant, Planning Division staff, and others who have an interest in the matter, facts and opinions concerning the proposed use and the proposed conditions and development regulations to which such district would be subject.
- (5) **Recommendation of the Commission:** After the close of the public hearing described in Subsection (5), above, the Commission shall forward to the City Council a recommendation regarding the adoption of an ordinance creating a Planned Development District subject to the conditions recommended by staff with or without addition or modification. In the event the Commission determines that the application as presented is acceptable, but only if amended, the Commission may recommend to the City Council approval of an ordinance creating the Planned Development District subject to the incorporation of the changes recommended by the Commission.
- (6) **Public Hearing before the City Council:** After the action of the Commission and notice has been published in the same manner as required of a zoning amendment, the City Council shall hold a public hearing on the proposed ordinance creating a Planned Development District. At the public hearing, the City Council shall review the application and the recommendation of the Commission and receive from the applicant, Planning Division staff, and others who have an interest in the matter, facts and opinions concerning the proposed district and the proposed development regulations to which such district would be subject.
- (7) **Action of the City Council:** After the close of the public hearing described in Subsection (7), above, the City Council shall consider the adoption of an ordinance creating the requested Planned Development District subject to development regulations and conditions establishing requirements and standards of operation, location, arrangement, occupancy limits, and construction for the use for which the district is created. In the ordinance creating a Planned Development District, the City Council may impose such development standards and safeguards as the conditions and location indicate important to the health, safety, welfare and protection of adjacent property and its occupants from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, traffic, explosion, glare, surface water drainage, offensive view or other undesirable or hazardous conditions and the

preservation of existing trees, natural terrain features, and navigable streams and their tributaries. Furthermore, the City Council may restrict the permitted uses in the district to only those that are described in the application or may allow other permitted uses that would otherwise have been permitted in the district had the ordinance not been approved. The development regulations set forth in the ordinance creating the Planned Development District may include, but not be limited to:

- (i) building appearance and location standards, including, if desired, building elevations, regardless of whether required as part of the application process;
  - (ii) requirements for special yards, open spaces, buffers, fences, walls and screening;
  - (iii) requirements for installation and maintenance of landscaping and erosion control measures;
  - (iv) requirements for street improvements and dedications regulating vehicular ingress and egress, and traffic circulation;
  - (v) sign regulations more restrictive than those previously adopted;
  - (vi) regulation of hours or other characteristics of operation;
  - (vii) establishment of development schedules or time limits for completing the requirements set forth in the ordinance;
  - (viii) prohibit uses that would otherwise be permitted in the zoning district in which the property is located;
  - (ix) such other conditions as the City Council may deem necessary to ensure compatibility with surrounding uses and to preserve the public health, safety and welfare.
- (8) **Development Site Plan Required:** Unless otherwise stated in the ordinance creating the Planned Development District, as such ordinance is amended from time to time, no building permit may be issued for construction of any building to be located in a Planned Development District until a development site plan has been approved by the City Council for the property on which the building and all related improvements is to be constructed. Such site plan may be adopted and incorporated into the ordinance creating the Planned Development District or subsequently approved as an amendment to the ordinance creating the Planned Development District in the same manner as originally required for the establishment of the district. The development site plan must set forth all improvement and development plans in a manner that reasonably illustrates the following relating to the property to be developed:

- (i) the location and dimensions of existing boundary lines, lot lines, easements, and required yards and setbacks of the property;
  - (ii) the location, height, bulk, general appearance, and intended use of existing and proposed buildings on the site, indicating distances from property lines and between buildings;
  - (iii) except for one-family and two-family residential properties, proposed building area(s) outside of which no building or part of a building will be constructed;
  - (iv) the approximate location of existing buildings on the properties adjacent to the property being developed;
  - (v) the location of existing and proposed site improvements including parking and loading areas, on-site pedestrian and vehicular access and circulation, landscaped areas, utility or service areas, fencing and screening, signs and lighting;
  - (vi) the location of existing and proposed watercourses and drainage features;
  - (vii) for property with an average slope greater than 15 percent, a plan showing proposed grading, drainage and erosion control measures, or plans that are necessary according to other city ordinances regulating storm runoff control;
  - (viii) the relationship of the property and the proposed use to surrounding uses, including pedestrian and vehicular access and circulation between the property and adjacent properties, and any proposed off-site improvements to be made;
  - (ix) such other elements as may be required by the City Council.
- (9) **Relationship of Site Plan to Lot Lines:** If property within a Planned Development District is also within an existing subdivision, the perimeter of a development site plan for the district must be located on existing lot lines in the subdivision. If property in a Planned Development District is the subject of an application for a final plat, the lot lines for the subdivision must be the same as the boundaries of the development site plan(s) previously approved; provided, however, a lot created subsequent to the adoption of a development site plan may include a public right-of-way, private driveway, parking lot, or easement shown on a previously approved development site plan, which site plan includes property not included in the lot being created.
- (10) **Certificate of Occupancy:** A certificate of occupancy shall be required prior to use of property for the purposes set forth in a Planned Development District ordinance. Unless otherwise set forth in the Planned Development District ordinance, as amended, no certificate of occupancy shall be granted until all items and/or structures required to be constructed, including, but not limited to, all buffering elements and traffic control devices required by the ordinance, have been completed and accepted by the City.